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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,844	04/18/2001	Adrian Yap	PD-200297	3966

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Hughes Electronics Corporation
Patent Docket Administration
Bldg. 1, Mail Stop A109
P.O. Box 956
El Segundo, CA 90245-0956

EXAMINER	
RAMAN, USHA	

ART UNIT	PAPER NUMBER
2424	

MAIL DATE	DELIVERY MODE
11/25/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/837,844	YAP ET AL.	
	Examiner	Art Unit	
	USHA RAMAN	2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 August 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *110-127* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *110-127* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10-6-08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

Response to Arguments

1. Applicant's arguments with respect to claims 110 and 119 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 110-113, 117-122 and 126-127 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browne et al. (WO 92/22983) in view of Orr (US Pat. 6,760,535).

With regards to claims 110 and 119, Browne discloses an apparatus and a method of processing available content, comprising:

Receiving the available content using one or more tuners (page 9, lines 21-26); and

Performing a plurality of operations on the available content received from the one or more tuners, the plurality of operations including selecting at least one recorded event from the available content based on thumbnail, preview, or snippet (see page 30, lines 20-33 and fig. 11);

Browne additionally discloses the step of activating a user identified preference to selectively erase a recording of a program (see page 19, lines 25-30).

Browne discloses that the system performs recordings based on advance reservations (such as in figures 4—4C) as well as recordings based on an

immediate recording operation by the user (see page 32, lines 25-27) as the user is watching the program. Browne is however silent on the step tracking a list of recorded programs for duplicates when a record operation is initiated.

In an analogous art, Orr discloses a method of tracking a list of recorded programs for duplicates when a record operation is initiated in order to identify a current recording as a duplicate. See column 7 lines 13-25. When a program is identified as a duplicate, the record operation is subsequently aborted.

All the claimed features were known in the prior art. Accordingly one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. With respect to the modified system, it is noted that there exist scenarios where a portion of a current recording is stored in the memory at the time a user initiated a record operation, wherein even upon aborting the record operation the portion of the program remains in the memory until it is erased (see Browne: page 32, lines 25-33). As stated previously Browne teaches the method for the user to manually erase any program that is stored (see page 19, lines 25-30) and therefore comprises the method of “activating a user identified preference to erase a recording of a program”, wherein the recording of a program in the above scenario in the modified system is the program that was identified as a duplicate. One ordinary skilled in the art would have been motivated to combine the prior art features so as to not waste media storage space with multiple copies of the same program.

With regards to claims 111, and 120, Browne teaches selecting at least one recording from the available content based on keyword (see page 30, lines 10-27 and fig. 11). The modified system therefore additionally teaches the step wherein, "performing a plurality of operations includes selecting at least one recorded event from the available content based on key word".

With regards to claims 112, and 121, the modified system further comprises wherein the selecting is achieved by a user browsing through information related to the available content stored on at least one storage medium. See Brown: page 30, lines 5-13.

With regards to claim 113 and 122, the modified system discloses the step of checking for characteristics of duplicates when attempting to record a program from available content that has already been recorded on the storage medium (Orr: column 7 lines 15-21). The modified system further discloses the step of displaying recorded contents and contents being recorded (see Browne page 24, lines 18-23 and figure 6) in storage section are displayed. Therefore it would have been obvious to one of ordinary skill in the art to further modify the system by displaying the characteristics of the selected program to record with a best match in the at least one storage for a visual comparison by the user.

With regards to claim 117 and 126, Browne discloses that users maybe provided a plurality of playback controls as depicted in figure 14, panel 1405. Among the controls provided in the aforementioned panel is an option widely recognized in the art as the rewind control (a). The "increment" is further understood

to be the time that a user performs the rewind operation until he/she resumes normal playback. As such the modified system further comprises performing a plurality of operations including "permitting a user to rewind recording in an increment for playback of a portion of the available content".

With regards to claims 118 and 127, Browne discloses creating a personalized database from the available content, wherein the contents maybe personalized to each user 's preferences (see page 26 lines 18-29).

4. Claims 114-116, and 123-125 are rejected under 35 U.S.C. 103(a) as being unpatentable over Browne et al. (WO 92/22983) in view of Orr (US Pat. 6,760,535) and further in view of Vallone et al. (US Pat. 6,847,778)

With regards to claims 114, 115, 116, and 123, 124, and 125, the modified system does not disclose the step of displaying status of a program including a current delay that allows the user to see how far a recording is behind live feed when pausing a live signal.

In an analogous art, Vallone discloses the step of when viewing a program at it is being recorded, further displaying a trick play bar and cache bar overlaid on the screen to give an indication of visual reference points to notify the user where the live recording is at (cache bar) and where the current slider is at when the user pauses live signal. See figure 26 and description in column 18, lines 39-44, lines 55-61, and column 19, lines 60-65.

It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system in view of Vallone by displaying a current delay that allows the user to see how far a recording is behind live feed when pausing a live signal. The motivation is to give the user a visual reference point on the current viewing location of the program.

With further regards to claims 114 and 123, the system as modified above displays a status (cache bar) of a program from the available content wherein a user is currently viewing the program.

With further regards to claims 115, 116, 124 and 125, the status includes at least one of current delay displayed in the cache bar that allows the viewer to see a delay between the recording and a live feed.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to USHA RAMAN whose telephone number is (571)272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art Unit 2424

/Usha Raman/